

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALMINA ZOLJ,)	
)	
Plaintiff,)	
)	
v.)	No. 4:18-CV-01012 JAR
)	
CREDIT ONE BANK, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant American Medical Collection Agency (“AMCA”)’s Motion to Vacate Clerk’s Entry of Default and for An Initial Enlargement of Time to File a Responsive Pleading. (Doc. No. 22)

A district court may set aside an entry of default for good cause. Fed. R. Civ. P. 55(c). In determining whether there is “good cause,” the Court must consider whether the conduct of the defaulting party was blameworthy or culpable; whether the defaulting party has a meritorious defense; and whether the other party would be prejudiced if the default were excused. Johnson v. Dayton Electric Manufacturing Co., 140 F.3d 781, 783-84 (8th Cir. 1998). The same factors are considered when setting aside either an entry of default or a default judgment. However, the factors are less stringently applied with regard to setting aside an entry of default. Id. (explaining the basis of this distinction: “it is likely that a party who promptly attacks an entry of default, rather than waiting for grant of a default judgment, was guilty of an oversight and wishes to defend the cause on the merits.”).

Upon consideration of these factors and the Court’s preference for an adjudication on the merits, the Court will grant AMCA’s motion. The Court finds that AMCA’s conduct did not

evidence intentional delay or disregard of the Court's deadlines. Nor does the Court find that Plaintiff has been prejudiced by AMCA's failure to file a timely answer.


Accordingly, and for good cause shown,

IT IS HEREBY ORDERED that Defendant American Medical Collection Agency's Motion to Vacate Clerk's Entry of Default and for An Initial Enlargement of Time to File a Responsive Pleading [22] is **GRANTED**.

IT IS FURTHER ORDERED that the Entry of Default by the Clerk dated July 20, 2018 [18] is **VACATED**.

IT IS FURTHER ORDERED that Defendant American Medical Collection Agency shall file its response to Plaintiff's complaint **no later than August 20, 2018.**

Dated this 24th day of July, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE